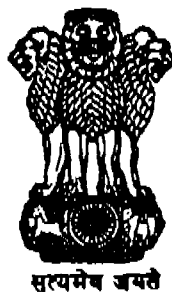


## The Gazette



## of India

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## NOTICE

The undermentioned *Gazette of India Extraordinary* was published upto the 15th August, 1960:

Issue No.	No. and date	Issued by	Subject
105.	No. 40-Pres./60. dated 15th August, 1960.	President's Secretariat	List of Scholars awarded Certificates of Honour by the President.

Copies of the *Gazette Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines, Delhi, Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

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**PART I—Section 1****Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court****PRESIDENT'S SECRETARIAT***New Delhi, the 23rd August 1960*

No. 48-Pres./60.—The President is pleased to award the President's Police and Fire Services Medal for gallantry to the undermentioned officer of the Madhya Pradesh Police:

Name of the officer and rank.

Shri Rambahore, Police Constable No. 365, District Executive Force, Tikamgarh, Madhya Pradesh (*deceased*)

Statement of services for which the decoration has been awarded.

On the morning of the 14th April 1960, Constable Rambahore was a member of a small police party consisting of a Head Constable and four other Constables of the District Executive Force, Tikamgarh, which was on a routine patrol on the border of Madhya Pradesh and the outskirts of Sojna forest in Lalitpur circle of Jhansi district when information was received that a gang of dacoits headed by the notorious Karan Singh was in the scrub jungle near village Lohara. The police party was advancing through Sojna forest towards the village when they saw two armed dacoits descending the hill, one of whom had a 12 bore gun. The dacoits went into village Lohara and were joined by three others, one of whom was Karan Singh himself.

The police challenged the dacoits, who immediately opened heavy fire on them. Fire was returned and two of the dacoits were shot down. The three remaining dacoits then started to run away when Constable Rambahore left cover and in complete disregard of his own safety ran forward and shot dead dacoit Pahawan Singh. The other two dacoits Karan Singh and Sammar Singh fired at Constable Rambahore but he continued to pursue them. Dacoit Sammar Singh then took cover and while Constable Rambahore was pursuing Karan Singh, he was shot dead by Sammar Singh.

In this encounter, Constable, Rambahore showed conspicuous courage, initiative and devotion to duty of a very high order in the performance of which he laid down his life.

2. This award is made for gallantry under rule 4(i) of the rules governing the award of the President's Police and Fire Services Medal and consequently carries with it the special allowance admissible to officers of and below the rank of Inspector of Police.

A. V. PAI, Secy.

**MINISTRY OF FINANCE****(Communications Division)***New Delhi, the 18th August 1960*

No. 6015-PTI/60.—The President is pleased to make the following further amendment to the Rules relating to Postal Life Insurance and Endowment Assurance namely:—

In the said Rules the following shall be inserted as a new rule at the end of rule 42.

"43. Where in respect of any policy maturing for payment the Postmaster-General is of opinion that by reason of conflicting claims to or insufficiency of proof of title to the amount secured thereby or for any other adequate reason it is impossible otherwise for him to obtain a satisfactory discharge for the payment of such amount, he may take steps, after the expiry of the period prescribed in Section 47(4) of the Insurance Act, 1938, to apply to the court having jurisdiction for permission to pay the amount into it in accordance with the provisions of Section 47 of the said Act. If the court allows the application, payment shall be made into the court. The Postmaster-General shall also transmit every notice of claim received after the making of the application to the court in order to enable the court to dispose of claims relating to the amount. Upon such payment the fund is discharged of all liability in respect of the policy."

*New Delhi, the 20th August 1960*

No. 5860/PTI/60.—The President hereby directs that the following further amendment shall be made in Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959 published with the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. F.3(40)-NS/58, dated the 19th December, 1958, namely:—

In rule 10 of the said Rules, in sub-rule (1), after clause (b), the following clause shall be inserted, namely:—

"or (c) Claim the proportionate amount as given in the III annexed."

No. 5113-PTI/60.—The President hereby directs that the following further amendment shall be made in the Post Office Savings Bank Rules, 1881 namely:—

For the "Note" below sub-rule (3) of rule 28 of the said rules, the following shall be substituted namely:—

"Note.—In the case of an application to withdraw from a security deposit account, payment cannot in any circumstances, be made until a warrant of payment is received from the head office."

R. K. AGRAWAL, Dy. Secy.

**MINISTRY OF COMMERCE AND INDUSTRY****RESOLUTION***New Delhi, the 20th August 1960*

No. 51(1)/52-HS(I).—The Government of India have decided to nominate the following non-officials as members of the All India Handicrafts Board (Ministry of Commerce and Industry) in addition to the personnel already notified in this Ministry's Resolution No. 51(1)/52-HS(I), dated the 12th August, 1960:—

1. Shri G. Venkatachalam.

2. Shri C. M. Sukhia.

3. Shrimati Prabha Shah.

2. The term of office of these members will be the same as for other non-official members of the Board.

**ORDER**

Ordered that a copy of this Resolution be communicated to all concerned and that it be published in the Gazette of India.

C. S. RAMACHANDRAN, Joint Secy.

**MINISTRY OF TRANSPORT AND COMMUNICATIONS****(Department of Transport)****(Transport Wing)****MERCHANT SHIPPING***New Delhi, the 22nd August 1960*

No. 12-MT(116)/58.—It is notified for the information of the general public and particularly of the Shipping Companies having Oil Tankers that, with effect from the date of issue of this notification, the questions relating to the export of food stores for consumption by seamen employed on Tanker vessels will be dealt with by the Directorate General of Shipping, Bombay, under the Ministry of Transport and Communications instead of by the Ministry of Steel, Mines and Fuel, as hitherto.

J. V. DASS, Under Secy.

**MINISTRY OF LABOUR AND EMPLOYMENT***New Delhi, the 20th August 1960*

No. 3/25/59-LRII.—The following decision of Shri G. Palit, Central Government Industrial Tribunal, Dhanbad, in respect of the matter referred to him under section 36A of the Industrial Disputes Act, 1947 (14 of 1947) by the Order of the Government of India in the Ministry of Labour & Employment No. S.O. 903, dated the 1st April, 1960, seeking correct interpretation of paragraph 141 of the Decision of the Labour Appellate Tribunal dated the 29th January 1957 on the Award of the All India Industrial Tribunal (Colliery Disputes) is hereby published for general information.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.**

REFERENCE NO. 19 OF 1960.

**PARTIES:**

Employers in relation to the Girimint Coal Mine

AND

Its workmen.

In the matter of an interpretation of the award of the All India Industrial Tribunal (Colliery Disputes) dated 26th May, 1956 as modified by the decision of the Labour Appellate Tribunal of India dated 29th January, 1957.

## PRESENT

Shri G. Palit, M.A.B.L., Chairman, Central Government Industrial Tribunal, Dhanbad.

## APPEARANCES :

Shri D. Narsingh, Advocate, with Shri B. Kabi, Security Officer—for the employers.

Shri S. K. Rudra, Office Secretary, Colliery Mazdoor Congress, Shri Nikhilish Das, Pleader, and Shri Keshab Banerjee, Assistant Secretary, Indian National Mine Workers Federation—for the workmen.

STATE : West Bengal

INDUSTRY : Coal.

Calcutta, the 25th July 1960

## AWARD

The Ministry of Labour & Employment, Government of India, by its Order No. 8/25/59-LKII, dated the 31st March 1960 has referred to the Central Government Industrial Tribunal, Dhanbad, presided over by me to resolve a doubt that has arisen as to the correct interpretation of para 141 of the decision of the Labour Appellate Tribunal dated the 29th January 1957 modifying the award dated 26th May 1956 published in the Gazette of India, Extraordinary Part II Section 3 *vide* S.R.O. 1224 dated the 18th May 1956, under Section 36A of the Industrial Disputes Act 1947 (XIV of 47) concerning a matter as per schedule below:—

"Whether the directions contained in paragraph 141 of the said decision of the Labour Appellate Tribunal are applicable to the conveyor loaders?"

2. The reference has been made under Section 36A of the Industrial Disputes Act, 1947 as amended in 1956. If the appropriate Government thinks there is any difficulty or doubt as to the interpretation of any provision of an award it may refer the question to the appropriate Tribunal. The Tribunal has been enjoined to give notice to the parties giving them an opportunity of being heard and then shall give its decision. Such decision will be final and binding on all such parties. It will be noticed that though in the section both doubt or difficulty about the interpretation of the provision of the 'award' is mentioned, in the reference before me only the word 'doubt' has been mentioned. 'Difficulty' has been deliberately omitted. This is not without any significance. It evidently circumstances the scope of the issue. If the Government feels any difficulty to give effect to a particular provision of the award, it may refer such question to the Tribunal under Section 36A. In that case the Tribunal will be asked to consider the nature of the practical difficulties felt and to ascertain whether these difficulties did really follow if the award was correctly interpreted. But in the reference before me I have been asked only to remove the doubt and decide whether para 141 of the Labour Appellate Tribunal's decision in question did or did not apply to the conveyor loader. So what I have been asked to decide is whether the Judges did really mean as expressed in their decision to apply para 141 to the conveyor loaders or they were kept outside the scope of para 141 aforesaid.

3. The union contends that the Judges of the Appellate Tribunal were conscious about the loading of coal into the conveyors as much as into the tubs or mine cars by the loaders. Because in the very definition of loaders as per para 126 of their decision they have mentioned that it was the duty of loaders to load coal into the tubs, mine cars or conveyors. Again at page 1296 of Majumdar Award as published in the Gazette of India, Extraordinary Part II Section 3 of 26th May 1956, a loader has been defined as a manual worker who only loads coal into tubs or into the conveyors. They are also known as fillers. Again if I turn to page 977 of the same Gazette, I get the total output of coal conveyed in tons by mechanical conveyor in different years. So it is abundantly clear that both before the Judges of the original Tribunal as also of the Labour Appellate Tribunal the conveyor loaders were as much before their eyes as ordinary tub loaders or mine car loaders. From this the union argues that para 141 of the Labour Appellate Tribunal's decision which gives the rates for loaders is also wide enough to apply to conveyor loaders. The rates there must have applied not to one class of loaders but to loaders as a class including the conveyor loaders. This seems to be quite plausible. In para

140 I find that provision has been made for all kinds of extra work done by the loaders for which extra remuneration was specified. If the Appellate Tribunal Judges were of opinion that the conveyor loaders should be placed on a different footing, it only stands to reason that they would have specifically mentioned it in para 141

4. The management argues that the wages of loaders were fixed with an eye to the quantity of coal transported as also to the distance over which it was carried. That is why 'lead and lift' was provided for after a specified distance over which the coal was carried. In the case of conveyor loaders, the conveyor approaches the working face as close as possible. So the loaders have merely to transport the coal from the working face on to the conveyor by means of shovels only. They are spared the trouble of carrying it over a distance as in the case of filling up mine cars or tubs which keep at a fair distance. The management goes further and says that even in the case of conveyor loaders when the conveyor stands at some distance from the working face and the conveyor loaders are required to carry their coal in baskets over their head to reach the conveyor, they are given as much payment as any other loader. But in the case of conveyor loaders as such, the payment cannot be on a par because the distance and effort are both curtailed. From this admission, I get that there is no objection on the part of the management to pay the rates as provided in para 141 aforesaid even to a conveyor loader, provided he is to carry coal to some distance. This further narrows down the question before me, namely that there is no objection to apply para 141 even to conveyor loaders under certain conditions. Let me next see how far these conditions did really justify such differentiation or discrimination, even among the loaders. Just as some conveyor loaders are spared from carrying coal to the conveyor standing at a distance they are required at the same time while throwing the coal by means of shovels into the conveyor, to constantly stand up and stoop down. I have got in evidence that this means considerable physical strain. They have also to pick up the coal which slips from the conveyor now and then. So the distance alone cannot be the decisive criterion in such matters as the management is inclined to think. It is possibly for this reason that the Judges of the Labour Appellate Tribunal did not think it worthwhile to make any discrimination between one class of loaders and another class of loaders or between two types of conveyor loaders. This would be creating class into a class and would foment unnecessary unrest by such discrimination. If the work-load is the criterion according to the management to put the conveyor loaders in a category different from the loaders of mine cars, then I find no point in giving the wages of ordinary loader to conveyor loaders when they have to travel some distance. It is admitted that conveyors make for better workload and speedier transport. So the work-load in such cases, rightly did not influence the Labour Appellate Tribunal Judges to differentiate conveyor loaders from ordinary loaders.

5. The learned advocate on behalf of the management contends that if para 141 was made applicable to conveyor loaders as such, their earnings would increase considerably and might result in industrial unrest. But this I must point out falls outside the scope of my present reference. I have already noticed that the word 'difficulty' occurring in Section 36A of the Act is conspicuous by its absence in the present reference. So it is not up to me to consider if para 141 is applied to conveyor loaders, that may give rise to some difficulty or anomaly. I am merely confined to decide what the Judges of the Labour Appellate Tribunal did really mean by their decision under para 141, even not what was in their minds but what was expressed in the language occurring in para 141 and not about any consequent difficulty. I have subjected the said para to close scrutiny and I find that the only interpretation which this para admits of under the circumstances is that the direction in this para did apply to conveyor loaders as much as to other loaders. This is my decision.

Sd./- G. PALIT,

Chairman, Central Government Industrial Tribunal, Dhanbad.

Camp: CALCUTTA,  
The 25th July, 1960.

A. L. HANDA, Under Secy

